

MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

April 4, 2018

The Mission Community Development Committee met at Mission City Hall, Wednesday, April 4, 2018 at 6:30 p.m. The following committee members were present: Pat Quinn, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Kristin Inman, Debbie Kring, Ken Davis, and Sollie Flora. Mayor Appletoft was also present. Councilmember Inman called the meeting to order at 6:30 p.m.

Also present were City Administrator Laura Smith, City Clerk Martha Sumrall, Assistant City Administrator Brian Scott, Public Works Director John Belger, Chief Ben Hadley, Parks & Recreation Director Christy Humerickhouse, and City Planner Danielle Sitzman.

Ms. Smith stated that a new agenda item - "Informational Only" - has been added. This will be an opportunity to ask questions regarding specific issues and allow for public comment.

Presentation on Form Based Code

Ms. Sitzman introduced Chris Cline, Core Design Development and the City's on-call consultant, who presented information on the Form Based Code (FBC) in the West Gateway area of the City. Mr. Cline assisted in the development of the FBC in 2007 and currently assists in the review of plans for projects proposed in the West Gateway area. Mr. Cline presented information on the following:

- The three development districts in Mission including the East Gateway, Downtown, and West Gateway, and the unique characteristics and visions for each.
- The Form Based Code (FBC) is only in the West Gateway area, and is the result of the community's reaction to a possible big box store at the former Mission Mall site, and the vision for a more urban and pedestrian friendly area. The FBC is proactive vs. reactive, and was developed following HBA tours of other communities, and evaluating whether the infrastructure and market could support it.
- Information on the planning process that was used to develop the FBC was presented including advisory committee meetings, public meetings, open house forums, and Planning Commission and City Council Meetings. Tony Nelison lead much of this visioning, and also did this for the City of Overland Park following Mission's FBC. The FBC calls for more density and mixed-use buildings.
- Goals were developed for the West Gateway area including engagement of the community, staying "one step ahead" by taking a proactive approach to attracting and guiding redevelopment opportunities in this prime location, and making the vision a reality by providing guidelines for design flexibility and long-term sustainability through high-quality mixed-use projects to benefit the entire community.
- Discussed the difference between the West Gateway Vision Plan and the Form Based Code. The FBC was developed to encourage good projects by making them easier, and

focused on bringing building up to the street with parking behind to improve the public realm.

- Considered whether the infrastructure would serve the FBC. Sanitary, water, gas and electric were considered and it was determined that each utility is capable of serving the area, although some improvements would be needed.
- Considered whether the market can support the FBC. The FBC is a realistic regulatory control that sets the bar high enough to encourage good work, but not so high that development is out of the realm of possibility.
- The FBC is flexible. It is an overlay district so no zoning is needed, and existing businesses are allowed to make incremental improvements. It allows for a variety of building types and uses, architectural and site design opportunities, and development phasing possibilities.
- A scoring point system is used that includes 45 possible points for Sector Plan / Regulating Plan (all required); 10 points for Building Type (all required); 30 points for Urban Guidelines (25 required); and 15 points for Architectural Guidelines (10 required). The scoring process was outlined, with specific examples provided (Starbucks, Mission Crossing, and Cornerstone Commons).

Mr. Cline stated that the FBC has been in place for 10 years and Mission has seen more development in this area than in the rest of the City. It has stood the test of time, and he noted that Overland Park has followed Mission example by adopting a FBC in their downtown district.

Discussion by the committee continued on whether there are challenges from developers to the scoring; the flexibility in the FBC to meet the intent of the code, and the role of both staff and the Planning Commission; the possibility of a developer using the traditional approval process if they are unable to get a passing score in the FBC; and the public process used in developing the FBC that then shortens the process when it is utilized for development.

Councilmember Davis expressed his frustrations with the process, particularly when a development does not meet the FBC score, but the Planning Commission approves it to move forward. Ms. Sitzman noted that applicants must be able to come before the Planning Commission even if the score is not met.

The committee's discussion regarding the Form Based Code continued with regard to the recent Tidal Wave application. The group discussed the Planning Commission's recommendation to move this project forward to Council, including their recommendation for 12 conditions to make the project meet the intent of the FBC even though it did not meet the scoring requirements. It was again noted that a project can choose to use the traditional planning process, but that all projects in the FBC area are still scored. The committee also discussed the importance of buildings in the FBC area being sustainable and encouraging buildings that have "multiple lives" and build character in the area. Councilmember Davis again expressed his frustrations with two projects currently being considered by the Planning Commission and Council where one was not in the FBC, had deviations applied and was recommended for

approval, and one project that does not meet the FBC score and was not recommended for approval by staff is moving forward. Councilmember Schlossmacher stated that he believes the process is working and that it is not “black and white” Councilmember Quinn stated that the FBC is flexible which is important so that developers do not walk away because of the code being too restrictive. He stated that he also believes the process is working. Discussion continued on various requirements of the FBC related to the Cornerstone Commons development.

This presentation was informational only and no action was taken.

Tidal Wave Auto Wash Preliminary and Final Site Plan

Ms. Sitzman provided an overview of the Tidal Wave Auto Wash development which includes a two-story, 6,699 sq. ft. building fronting Johnson Drive and a one-story 3,200 sq. ft building containing an automatic car wash tunnel long the south side of the property. The Planning Commission considered this application at their March 26th meeting and a public hearing was held at that time. The Planning Commission voted 8-0 to accept that all of the required finding of fact would be met through compliance with stipulations contained in the motion and therefore recommended approval. The case will proceed to the City Council for consideration on April 18th.

Councilmember Flora requested additional information on the role of the Planning Commission if the project does not meet the FBC scoring requirements. Ms. Sitzman stated that the FBC has certain design aesthetics and safety thresholds and that through the preliminary and final site plan the developers will work to get more points through such items as landscaping, etc. Councilmember Davis requested information on the Sustainability Commission’s role in the process and their scorecard. Ms. Sitzman stated that this is a voluntary process, and requiring sustainable practices is best handled through the incentive process for those requesting incentives. The CIP Commission is not directly involved in this planning process. Councilmember Kring stated that pervious pavement should be encouraged on all developments.

Councilmember Davis requested clarification as to whether Council would be considering this project’s preliminary and final site plan or just the preliminary site plan. Ms. Sitzman stated that Council does not ever consider final site plans. Councilmember Schlossmacher noted that this is just part of the process and had the project met the scoring requirements under the FBC it would not be considered by Council at all. Ms. Smith again stated that the applicant can not be prohibited from bringing his project forward. Councilmember Flora asked for additional information regarding the role of both the Planning Commission and City Council in the planning process.

This item was informational only and no action was taken by the committee. It will come before Council from the Planning Commission on the April 18, 2018 City Council Meeting agenda.

Martway Mixed Use Preliminary Site Plan

Ms. Stizman stated that the City Council remanded this case back to the Planning Commission for the reconsideration of height, density and setback deviations. The applicant submitted revisions to their plan that included an adjustment in the overall height, the number of dwelling units, and the massing of the building. This was considered by the Planning Commission on March 26th and they voted 8-0 to adopt the suggested findings of fact and recommend approval of the Preliminary Site Development Plan for this project with stipulations. This case will come back to Council for consideration at their April 18, 2018 meeting. Ms. Sitzman provided information on the change in the overall height of the building which now meets the height requirement, but it is still a four story building. She provided information on the five conditions included with the Planning Commission's recommendation which include height and density, future studies needed, and light pollution issues that must be addressed to the satisfaction of the Planning Commission at the final site plan.

Mayor Appletoft asked if the four stories for the project are due to the City's desire for retail at this location Ms. Sitzman stated that it must be a mixed use and part of the ground floor is in the floodplain. Councilmember Kring asked if the traffic study for this project will assist in determining if additional police are needed. Ms. Sitzman stated that traffic studies are not used in that way, as they address parking and congestion issues. The study will assist with CIP planning for traffic control in the area. Councilmember Davis stated that the density standard used by the City seems to always have deviations. Ms. Sitzman stated that this is only the case for two projects, so she does not see a trend and discussed how this can be addressed during comprehensive plan update.

Councilmember Inman opened the floor to public comments. The following people addressed the committee:

- Jennifer Coleman-Richardson, Mission resident (61st St.), stated that she attended the Planning Commission meeting and density was not discussed. Her home sits next to the park and the project is not 20 ft. below her yard. The projects updated plan shifts the building closer to her house and she is concerned it will "hulk" over her yard. She expressed her concerns with dumpsters at the back of the building and a walking bridge to the park. She feels this project will have a significant impact on her home.
- Brad Gregory, Mission resident (61st St), stated that he is frustrated with the Planning Commission and feels that the deviations recommended would be "ok" if they did not affect anyone nearby. He stated that 100% of the neighbors do not want a bridge and he is concerned people will park on 61st St. or in the pool parking lot and walk to the apartments. He feels all should be required to build according to the code and have developments that do not affect the residents. He has lived in his home since April 2002.

- Vicki Aldrich, Mission resident (61st St.), thanked Council for remanding this project back to the Planning Commission for consideration in response to residents' concerns. She stated that she did not feel the Planning Commission dedicated enough time to discussing the issues associated with the project, only "paying lip service" to residents' concerns. She believes many residents will attend the April 18th City Council meeting as there are still concerns regarding density and light pollution. She stated that for those on the north side of 61st street there is not a 20 ft. elevation difference and a light barrier needs to be a part of the project (not deciduous trees). She expressed her concerns with lighting from balconies on the back of the building and feels a precedent is being set if this project is approved. Councilmember Davis noted that Tract A is not residential so the setback requirement is not the same as if it were adjacent to residential. He also noted that the Planning Commission included a stipulation that they must be satisfied with the light pollution solution prior to approval of the final site plan. Ms. Aldrich stated that she does not have confidence in the process, even though there have been changes to the project. Ms. Sitzman stated that a photometric study will be required of the project and the results must be to the satisfaction of both staff and Planning Commission.
- Dan Aldrich, Mission resident (61st St.), stated that he appreciates the process and the changes made to the project plan. He also appreciates the work of staff and Council's help through this process. He expressed his concerns with the new configuration of the building on the site and feels that headlights from the apartments will hit the fronts of houses as there are houses at ground level with the project. He does not trust the Planning Commission. He also stated that he believes allowing a footbridge over the creek to the park is granting a special privilege. Councilmember Schlossmacher stated that the bridge is not a part of this project. Mr. Aldrich feels a bridge will allow children and dogs access to the parking lot at the apartments. It was again noted that the bridge is not a part of the plan, but landscaping is included to address the light pollution. Mr. Aldrich suggested that the land on the south side of the creek (Mission's) should have additional landscaping to assist with light pollution. Ms. Sitzman stated that this area is offsite of the project and would usually be addressed through a development agreement or could be considered as part of our CIP. Mr. Aldrich stated that he can't quantify the impact this project will have on land values, but light and noise pollution can be quantified. He stated that he feels even though Council voted 7-1 to remand this project back to the Planning Commission they did not pay attention and neighbors are still very concerned about the impact of this project on their neighborhood.

This item was informational only and no action was taken by the committee. It will come before Council from the Planning Commission on the April 18, 2018 City Council Meeting agenda.

Stormwater BMP Interlocal Agreement Renewal

Ms. Sitzman reported that the County's Stormwater BMP Cost Share Program allows Mission residents and businesses to receive County financial assistance, up to 50% of cost, to implement stormwater Best Management Practices (BMPs) on their property. This is a pass through program that does not require any additional outlay of funds. Approval of the contract would renew the City's participation for the third consecutive year

Councilmember Quinn recommended that the Interlocal Agreement to participate in Johnson County's Stormwater Best Management Practices (BMP) Cost Share Program for 2018 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Councilmember Thomas asked for information on previous years' participation. Ms. Sitzman stated that it was not great, but increasing each year. This program is promoted and administered by Neighborhood Services and is used for small projects.

Super Pool Pass Program

Ms. Humerickhouse stated that Mission has participated in the Super Pool Pass program for the past nine years. Other cities in the program are Fairway, Merriam, Leawood, Prairie Village, and Roeland Park / Johnson County. This program offers residents and qualified non-residents of participating cities who purchase a family or individual season pass to their home city's pool the option of a "super" pass for other participating facilities. Fifty percent of the money from the program goes to the cities, and at the end of the season, based on a formula that includes attendance, the remaining funds are distributed to participating cities. She stated that this is a good program for Mission and last year the program generated \$8,360 for the City. She anticipates more people wanting to visit our pool this year with the new slide, and noted that the new lounge chairs were delivered today. The old chairs will be surplused.

Councilmember Davis recommended that the interlocal agreement allowing Mission to participate in the Super Pool Pass Program for 2018, including the Swim Meet Letter of Understanding, be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Resolution Approving 2019-2023 CARS List

Mr. Belger reported that the CARS program provides funds to cities to construct and maintain certain eligible streets. Each year, cities submit a five year road improvement plan to the County. The County then scores projects and selects those that will receive funding. He stated that this resolution shows our intent for projects that are included in our CIP. Current projects in the five year program include Broadmoor (Johnson drive to Martway) in 2019, Foxridge Drive Phase II (51st Street to Lamar) in 2020, and Johnson Drive (Metcalf to Lamar) in 2023. He

stressed that the final commitment of funding occurs through the approval of specific interlocal agreements for each project as they come forward.

Councilmember Davis recommended that the resolution adopting the Five Year City / County Street Improvement Program for the City of Mission for 2019-2023 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Department Updates / Other

Ms. Smith stated that flyers have been provided that highlight the new Mission Market on Thursdays.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:35 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk